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COMMISSION ON HUMAN RIGHTS
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YEARBOOK ON HUMAN RIGHTS

Report of the Committee

Chairman-Rapporteur: Mr. P.W.J. Buxton (United Kingdom of
Great Britain and Northern Ireland)

1. In resolution XI adopted at its thirteenth session (E/2970 and Corr.1, paras. 223-4) the Commission on Human Rights appointed a Committee, consisting of the representatives of France, India, Israel, Mexico and the United Kingdom, to convene at Headquarters and to consider, in the light of the memoranda of the Secretary-General on the Yearbook on Human Rights (E/CN.4/737 and Add.1) and on the review of programme and establishment of priorities (E/CN.4/742), "what measures should be taken to keep the Yearbook within reasonable proportions, with particular regard to the possibility of relating the Yearbook to the triennial reports and studies under Economic and Social Council resolution 624 B (XXII), and to report to the Commission at its fourteenth session".
2. The Committee on the Yearbook on Human Rights held seven meetings during the months of October, November and December, 1957. In these meetings, France was represented by Mr. Barthelemy Epinat, Mr. Pierre Juvigny and Mr. Philippe Marandet, India by Mrs. Mona Hensman and Mr. P.N. Kaul, Israel by Mr. Shabtai Rosenne, Mexico by Mr. Antonio Gomez Robledo and H.E. Mr. Eduardo Espinosa y Prieto and the United Kingdom by Mr. P.W.J. Buxton. The Committee appointed Mr. Buxton Chairman-Rapporteur.
3. At the beginning of its work the Committee requested the Secretariat to furnish it with figures relating to the printing and circulation of the most recent Yearbooks. The reply which the Committee received is submitted to the Commission for its information and will be found in Annex 1 of the present report.

4. The Committee found itself in agreement on the following points: that it was essential to retain the present network of contacts with government-appointed correspondents and the existing Secretariat practice of editing contributions to the Yearbook, where desirable, and carrying out supplementary research, when necessary, each in consultation with governments or government-appointed correspondents; that the application of certain standards in the matter of the size and content of the Yearbook can only be ensured by giving a measure of editorial responsibility to the Secretariat and by enlisting the co-operation of governments in this regard; that, in the interests of clearer and more uniform presentation, reports on national court decisions published in the Yearbook should set out the facts of the case, the decision and the court's reasoning, in the order stated; that Part III of the Yearbook should be restricted to international treaties and agreements in the strict sense of instruments capable of becoming binding on governments together with a tabulation of ratifications of, or accessions to, such treaties and agreements; and that it would be useful to include in the Yearbook introductions, along the lines of that included in the Yearbook for 1954, which would draw attention to significant trends and the development of legal techniques for the solution of human rights problems. On other aspects of the problem before it the Committee considered two main alternative approaches.

5. According to one approach, the Yearbook would be placed on a triennial basis, the triennial reports of governments under resolution 624 B (XXII) of the Council replacing annual contributions; each Yearbook on this system would consist of a series of volumes, to be published at convenient intervals over a three-year period, and comprising the triennial reports of governments or similar material compiled through the existing machinery of contacts between the Secretariat and governments or correspondents, statements of governments on specific rights or groups of rights, texts of, or extracts from, international treaties and agreements, tabulations of ratifications of and accessions to such treaties and agreements, a treatment of the activities of the United Nations and specialized agencies (principally by means of cross-references to other publications), bibliographical material, an introduction and an index. The possibility was also envisaged that exceptionally important developments taking place since the last triennial reports could be published in the intervening

Yearbooks. The triennial system would begin with the Yearbook for 1959 and would include the triennial reports for the period 1957-1959. In the interim, the statements already requested on the rights laid down in article 9 and article 25 (2) of the Universal Declaration of Human Rights would be included in the Yearbooks for 1957 and 1958 respectively.

6. According to this approach governments would, whenever possible, provide brief summaries of, or references to, legislation for incorporation in the Yearbook as part of their triennial reports rather than full texts; it was envisaged that legislative texts merely summarized or referred to in the reports might be appended for the use of the United Nations but not for publication in the Yearbook. The Council would enjoin governments to limit their reports and their statements on specific rights to a certain length.

7. It was maintained that this solution was the best way of avoiding duplication between the Yearbook and the triennial reports.

8. According to the second approach considered by the Committee the Yearbook would be restricted to the following: texts of, or extracts from, new constitutions, constitutional amendments and legislation relating to human rights; reports on selected national court decisions on human rights; introduction and index; and, if space permitted, international conventions in the strict sense of instruments capable of becoming binding upon governments, and a table of ratifications of and accessions to such conventions in the year in question. The Yearbook would continue to be published annually and to cover both metropolitan and Non-Self-Governing and Trust Territories. It would be considerably smaller than in the past, the reduction to be achieved partly by the exclusion of certain types of material at present published therein. The triennial reports and statements on specific rights or groups of rights would also be excluded.

9. It was maintained that this approach would ensure the continued annual publication of the most useful features of the Yearbook and would reduce as far as possible the gap separating events and their treatment in the Yearbook. It would preserve the Yearbook as an instrument of international co-operation in a technical field and guarantee the availability of English and French translations of texts enacted in all parts of the world. The exclusion of statements on specific rights would avoid the problem of relating the Yearbook to the studies of the Commission on these rights. Overlapping between the Yearbook and the triennial reports could be avoided by governments' making cross-references to material published in the Yearbook.

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10. The solution which the Committee finally reached is in effect a middle way between these two approaches. It decided not to recommend the adoption of a triennial system (for which, however, one representative continued to express a preference); nevertheless, it incorporated some of the features of the system suggested in that approach. The solution which the Committee reached is given in the draft resolution set out below, which it recommends that the Commission submit to the Economic and Social Council for adoption.

11. Part A of the draft resolution incorporates some of the principles of the second approach mentioned above. In order to increase somewhat the range of material which might appear in the Yearbook, it envisages also that constitutional and legal texts, and reports on national court decisions, may be accompanied by explanatory comment.

12. Part B of the draft resolution adds the recommendation that statements on specific rights or groups of rights be published from time to time in supplementary volumes of the Yearbook, the first to contain the statements on the right set forth in article 9 of the Universal Declaration of Human Rights. The Committee noted that 57 governments had responded to the invitation to furnish statements on the right set forth in article 9 for inclusion in the Yearbook for 1955. It felt that this valuable body of information should not be withheld from other governments and from the public and furthermore that to fail to publish statements specifically prepared by governments for publication might affect adversely the willingness of governments to co-operate with the United Nations in future enterprises of this kind. It would be possible to ensure the up-to-date character of the information to be published in the first supplementary volume by asking governments whether they wished to amend the statements which they had previously sent.

13. The Committee further noted that statements on the right set forth in article 25 (2) of the Universal Declaration of Human Rights have been requested from governments for the Yearbook for 1956 and that 32 governments have responded to this request. What is said in the preceding paragraph concerning the statements on article 9 of the Declaration applies also to the statements on the right set forth in article 25 (2). For the reasons indicated in that paragraph, the Committee considers it desirable in principle that these statements should be

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published in a future supplementary volume; in the light of this recommendation and also for considerations of space it suggests that these statements should not now be included in the Yearbook for 1956.

14. The Committee recommends in Part B of the draft resolution that the publication of further statements, including those on the right set forth in article 25 (2) of the Declaration, should be related in time to the studies carried out by the Commission on Human Rights; and it assumes that the Commission will not embark upon a new study of a specific right or group of rights more often than once every three years, and that therefore the supplementary volumes contemplated in Part B of the draft resolution will not be published at a greater frequency than that. It expresses the hope, however, that the first of the proposed supplementary volumes, that containing the statements regarding the right set forth in article 9 of the Declaration, may be published as soon as possible.

15. With a view to differentiating between the contents and the purposes of the Yearbook on the one hand and the reports on the other, and thus avoiding duplication between the two, Part C of the draft resolution would further recommend that, in drafting reports under Council resolution 624 B (XXII) governments avail themselves of the opportunity to evaluate and interpret events, to indicate difficulties encountered and to discuss techniques found to be of particular value, and to refer where desirable to the factual information furnished for, or published in, the Yearbook.

16. The fourth considerandum of the draft resolution recalls resolution 1203 (XII) of the General Assembly on control and limitation of documentation. The representative of Israel, while agreeing fully that the Yearbook should be reduced in size, expressed doubt whether resolution 1203 (XII) applied to publications of the type of the Yearbook on Human Rights.

17. According to the draft resolution annual volumes of the Yearbook would be limited to about 330 pages in the English edition. Such volumes may be expected to devote about 250 pages to material concerning developments in metropolitan areas and Trust and Non-Self-Governing Territories. This would allow, on an average, a little over three pages, or about 3,000 words, per government. While the developments to be dealt with would clearly differ greatly from country to country and from year to year even in relation to the same country, the Committee feels

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that the Secretariat may find it useful to bring this figure to the attention of governments and Yearbook correspondents when requesting material for the Yearbook, should the recommendations of the Committee be adopted.

18. The Committee also felt that the Commission might wish to return to the question of the contents of the Yearbook when it has had further experience of the operation of the triennial reporting procedure.

19. The Committee recommends that the Commission on Human Rights submit the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recognizing the value of the Yearbook on Human Rights both as an annual record of developments in human rights and as a vehicle of international technical co-operation in this field,

Recalling Council resolution 303 H (XI) concerning the Yearbook; resolution 624 B (XXII) concerning triennial reports and studies and resolution I adopted by the Commission on Human Rights at its eleventh session concerning statements on specific rights or groups of rights; and desiring to settle the relationship between the arrangements following from these resolutions,

Recalling its decision in resolution 665 D I (XXIV) that the Yearbook on Human Rights for 1955 should be issued without a separate section on arbitrary arrest, detention and exile, and that the inclusion of a section in the Yearbook on a specific project be not initiated until the Commission on Human Rights had completed its review of the scope and content of the Yearbook,

Recalling resolution 1203 (XII) of the General Assembly on control and limitation of documentation,

A

1. Decides to limit the size of the Yearbook on Human Rights for 1957 and future annual volumes to about 330 pages in the English edition;

2. Draws the attention of governments and government-appointed correspondents to the desirability that their contributions to the Yearbook should consist of texts of, or extracts from, new constitutions, constitutional

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amendments, and legislation and reports on important national court decisions, relating to human rights as defined in the Universal Declaration of Human Rights, and such introductory and explanatory comments as may be necessary to describe trends and to state results obtained;

3. Requests the Secretary-General

(a) to publish in the Yearbook the following: texts of, or extracts from, new constitutions, constitutional amendments and legislation and reports on important national court decisions, relating to human rights as defined in the Universal Declaration of Human Rights, and such introductory and explanatory comments as may be considered necessary to describe trends and to state results obtained, this information to cover metropolitan areas and Trust and Non-Self-Governing Territories; texts of, or extracts from, international agreements, in the strict sense, bearing on human rights; a table of ratifications of, and accessions to, such agreements; documentary references on United Nations action in relation to human rights; an introduction and an index;

(b) in editing the Yearbook, to co-operate with Governments in achieving the aims of resolution 1203 (XII) of the General Assembly and the aims of the present resolution in the matter of size and content of the Yearbook;

(c) to consider ways of making the Yearbook more generally known.

B

Decides

(a) that statements on specific rights or groups of rights prepared in accordance with resolution 303 H (XI) be published from time to time in the form of a supplementary volume to the Yearbook on Human Rights, the first of such supplementary volumes to contain the statements regarding the right set forth in article 9 of the Universal Declaration of Human Rights;

(b) that the publication of further statements, including those on the right set forth in article 25 (2) of the Universal Declaration of Human Rights, should be related in time to the studies carried out by the Commission on Human Rights;

(c) that the size of these supplementary volumes be limited to about 250 pages in the English edition.

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C

Recommends to Governments that, when in reports under Council resolution 624 B (XXII) they describe "developments and the progress achieved during the preceding three years in the field of human rights, and measures taken to safeguard human liberty in their metropolitan area and Non-Self-Governing and Trust Territories", they avail themselves of the opportunity to evaluate and interpret events, to indicate difficulties encountered and to discuss techniques found to be of particular value; and that in preparing their triennial reports they refer, where desirable, to the factual information furnished for, or published in, the Yearbook.

ANNEX I

(See paragraph 3 above)

Printing and Circulation of the Yearbook on Human Rights

The following are figures relating to the printing and circulation of the most recent Yearbooks:^{1/}

	In English			In French	
	<u>1952</u>	<u>1953</u>	<u>1954</u>	<u>1952</u>	<u>1953</u>
				(1954 not yet printed in French)	
Total printed	1,800	1,800	1,850	525	530
Number given official distribution to Permanent Missions, Ministries of Foreign Affairs, United Nations Secretariat (including information centres), specialized agencies, non-governmental organizations in category A and depository libraries, and through special exchanges by the United Nations library .	575	575	625	225	225
Departmental distribution ^{2/}	75	75	75	70	75
Distributed to sales centres throughout the world (clothbound) ^{3/}	1,000	1,000	1,000	180	180
Left in stock	150	150	150	50	50

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- ^{1/} The Yearbook for 1955 in English is in the press.
 - ^{2/} Principally to the Yearbook correspondents and Members of Commission on Human Rights.
 - ^{3/} Data on actual sales will be submitted to the Committee as soon as they become available. The estimated sales of the 1953 Yearbook since its distribution for sales purposes in English in June 1956 and in French in December 1956 are respectively 650 and 100 copies.